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10/613,819	07/03/2003	Kirkor Sirinyan	LEA 31923 C2	6852
71285	7590	01/04/2010	EXAMINER	
BAYER HEALTHCARE LLC			PESELEV, ELLI	
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SHAWNEE MISSION, KS 66201				
			ART UNIT	PAPER NUMBER
			1623	
			NOTIFICATION DATE	DELIVERY MODE
			01/04/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 11-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mencke et al (U.S. Patent No. 5,712,295) in combination with Mencke et al (WO 96/38165) or Chabala et al (U.S. Patent No. 4,199,569).

Mncke et al (U.S. Patent No. 5,712,295) disclose methods of treating endoparasitic infections with agonists and antagonists of the nicotinerbic acetyl-choline receptors.

Mencke et al (WO 96/38165) disclose methods of treating endoparasitic infections with avermectin or milbemycin, including moxidectin.

Chabala et al disclose methods of treating ectoparasitic infections with avermectins (column 5, last paragraph).

It would have been prima facie obvious to a person having ordinary skill in the art at the time of the claimed invention to treat an animal having both an endoparasitic infection and an ectoparasitic infection with a combination of known anti-endoparasitic agent and a known anti-ectoparasitic agent because such a person would have expected that said combination would be effective for the treatment of both types of infection.

Applicant's arguments filed September 14, 2009 have been fully considered but they are not persuasive.

Applicant contends that it was known to treat both endoparasites and ectoparasites in the same animal by two different treatment types while the present claims are limited to a single treatment such as dermal or oral administration. This argument has not been found persuasive. Mencke et al (U.S. Patent No. 5,712,295) disclose oral administration of agonists and antagonists of the nicotinic acetylcholine receptors (column 8, line 27). Chabala et al disclose oral administration of avermectins (column 6, line 63). Therefore, it would have been prima facie obvious to a person having ordinary skill in the art at the time of the claimed invention orally administer the combination of said compounds. Further, note that the present claimed are not limited to any specific type of administration. Applicant further contends that the cited prior art does not disclose the treatment of ectoparasitic infections. This argument has not been found persuasive since Chabala et al disclose the treatment of ectoparasitic infections (column 5, lines 65-68). Since both types of compounds encompassed by the present claims are known in the art to have the same type of administration and since the

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treatment of both types of infections was also known at the time of the present invention, the claimed method is still deemed prima facie obvious over the cited prior art.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elli Peselev whose telephone number is (571) 272-0659. The examiner can normally be reached on 8.00-4.30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shaojia Jiang can be reached on (571) 272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Elli Peselev
/Elli Peselev/
Primary Examiner, Art Unit 1623